

1 SHEPPARD MULLIN RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
GARY L. HALLING, Cal. Bar No. 66087
3 JAMES L. MCGINNIS, Cal. Bar No. 95788
MICHAEL W. SCARBOROUGH, Cal. Bar No. 203524
4 TYLER M. CUNNINGHAM, Cal. Bar No. 243694
Four Embarcadero Center, 17th Floor
5 San Francisco, California 94111-4106
Telephone: 415-434-9100
6 Facsimile: 415-434-3947
E-mail: ghalling@sheppardmullin.com
7 jmcginnis@sheppardmullin.com
mscarborough@sheppardmullin.com
8 tcunningham@sheppardmullin.com

9 Attorneys for Defendants
SAMSUNG SDI AMERICA, INC.,
10 SAMSUNG SDI CO., LTD.,
SAMSUNG SDI (MALAYSIA) SDN. BHD.,
11 SAMSUNG SDI MEXICO S.A. DE C.V.,
SAMSUNG SDI BRASIL LTDA.,
12 SHENZEN SAMSUNG SDI CO., LTD. AND
TIANJIN SAMSUNG SDI CO., LTD.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17
18 In re: CATHODE RAY TUBE (CRT)
19 ANTITRUST LITIGATION

Case No. 07-5944 SC

MDL No. 1917

Individual Case No. C 13-1173 (SC)

20
21 This Document Relates to:

22 SHARP ELECTRONICS CORP.,

23 Plaintiff,

24 v.

25 HITACHI, LTD., et al.,

26 Defendants.
27
28

**DECLARATION OF TYLER M.
CUNNINGHAM IN SUPPORT OF
SHARP'S ADMINISTRATIVE MOTION
TO SEAL PORTIONS OF PLAINTIFFS'
FIRST AMENDED COMPLAINT**

[Samsung SDI Defendants]

1 I, TYLER M. CUNNINGHAM, declare as follows:

2 1. I am a member of the bar of the State of California and an associate with
3 Sheppard, Mullin, Richter & Hampton LLP, counsel of record for defendants Samsung SDI
4 America, Inc., Samsung SDI Co., Ltd., Samsung SDI (Malaysia) Sdn. Bhd., Samsung SDI Mexico
5 S.A. De C.V., Samsung SDI Brasil Ltda., Shenzhen Samsung SDI Co., Ltd., and Tianjin Samsung
6 SDI Co., Ltd. (collectively "SDI") in these actions. I make this declaration in support of plaintiffs
7 Sharp Electronics Corp. and Sharp Electronics Manufacturing Company of America, Inc.'s
8 (together, "Sharp") Administrative Motion to Seal Portions of Plaintiffs' First Amended
9 Complaint (Dkt. No. 2030) ("Motion to Seal"). Except for those matters stated on information
10 and belief, about which I am informed and which I believe to be true, I have personal knowledge
11 of the matters set forth herein, and could and would testify competently to each of them.

12 2. SDI has disclosed or produced to the parties in this action certain
13 documents and information designated as either "Confidential" or "Highly Confidential" pursuant
14 to the Stipulated Protective Order entered on June 18, 2008 (Dkt. No. 306) (the "Protective
15 Order").

16 3. On October 28, 2013, Sharp filed the Motion to Seal requesting that the
17 Court maintain under seal portions of Sharp's concurrently lodged First Amended Complaint
18 ("Amended Complaint"). I have reviewed the portions of Sharp's Amended Complaint sought to
19 be maintained under seal.

20 4. Pursuant to Civil Local Rules 7-11 and 79-5, this Court's General Order
21 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the Protective
22 Order, I make this declaration on behalf of SDI to provide the Court with a basis to maintain under
23 seal portions of the Amended Complaint that quote from, describe, or otherwise summarize
24 documents and/or information that SDI has designated as "Confidential" or "Highly Confidential."

25 5. Upon information and belief, the following paragraphs of Sharp's Amended
26 Complaint quote from, describe or otherwise summarize documents or information that SDI has
27 designated as "Confidential" or "Highly Confidential:" 196, 198, 239 and 240.

1 6. The documents or information quoted from, described, or otherwise
2 summarized in Sharp's Amended Complaint consist of, cite to, or identify confidential, nonpublic,
3 proprietary and highly sensitive business information about SDI's market analyses, business
4 practices, internal practices and/or competitive positions. I am informed and believe that this is
5 sensitive information, and public disclosure of this information presents a risk of undermining
6 SDI's business relationships, would cause it harm with respect to its competitors and customers,
7 and would put SDI at a competitive disadvantage.

8 7. Upon information and belief, Sharp's Amended Complaint quotes from,
9 describes or otherwise summarizes several "Highly Confidential" documents produced by SDI
10 that the Court has previously sealed. For example, upon information and belief, Paragraphs 196
11 and 239 of Sharp's Amended Complaint quote from, describe or otherwise summarize the
12 following "Highly Confidential" documents produced by SDI: SDCRT-0002526 to 28; SDCRT-
13 0002526E to 28E; SDCRT-0086490 to 92; SDCRT-00086490E to 92E; SDCRT-0006632 to 33;
14 and SDCRT-0006632E to 33E. These documents are internal reports that contain, cite and/or refer
15 to confidential business information about SDI's market analyses, sales strategy, business and
16 supply plans, or relationships with companies that remain important to SDI's competitive position.
17 Accordingly, the Court previously sealed these documents. *See* Order Granting Sharp Plaintiffs'
18 Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) (Dkt.
19 No. 1852).

20 8. Pursuant to Civil Local Rules 7-11 and 79-5(d), and the Protective Order,
21 for the reasons stated above, SDI requests that the Court maintain under seal the portions of
22 Sharp's Amended Complaint paragraphs 196, 198, 239 and 240 that quote from, describe or
23 otherwise summarize documents and/or information that SDI has designated as "Confidential" or
24 "Highly Confidential."

25
26 I declare under penalty of perjury of the laws of the United States that the foregoing
27 is true and correct.
28

Executed on November 1, 2013 at San Francisco, California.

/s/ Tyler M. Cunningham
TYLER M. CUNNINGHAM